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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/650,207
Filing Date: August 28, 2003
Appellant(s): JANKE ET AL.

Peter C. Maki
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/27/09 appealing from the Office action mailed 11/26/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Panel Remand to the Examiner by the BPAI for this application on 9/26/08.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,886,074	Bisping	12-1989
5,217,028	Dutcher et al	6-1993
4,010,758	Rockland et al	3-1977
5,551,427	Altman	9-1996
5,902,329	Hoffman et al	5-1999
4,624,265	Grassi	11-1986
5,447,534	Jammet	9-1995
5,837,006	Ocel et al.	11-1998
5,531,780	Vachon	7-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Appellant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisping (4886074) in view of Dutcher et al (5217028).

Bisping discloses the claimed invention in figures 1-5 with electrode, 3, guiding mechanism, 8, movement assembly, 5, 9, and 3, with piston, 5, base, 3, knob, 9 or 12, slot, 10 or 11a, and helix, 7, except for the mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant. Dutcher teaches that it is known to include on a lead having a fixation helix a mesh (e.g. 146, col. 5) at the electrode end and a non-soluble coating containing a drug on a portion of the exterior surface of the lead (e.g. col. 2, lines 45-65, figure 5, 138, or 138 and 133) to allow heart tissue to securely fixate to the lead when implanted and allow the helix to elude drugs to prevent inflammation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the heart lead as taught by Bisping, with a mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, as taught by Dutcher since it would provide a heart lead with a mesh screen disposed on the electrode tip to provide the predictable results of allowing fibrous connective tissue to intertwine with the screen to firmly secure the electrode and since it would provide a heart lead with a helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, to provide

the predictable results of a biocompatible coating that does not degrade/breakdown in the body, to allow the electrical properties (impedance, current density, etc) of the helix to be changed for more effective sensing and pacing, the conforming coating to allow the fixation to still be inserted into the heart with out causing increased damage, and to include an active ingredient in the insulation to reduce irritability and inflammation due to the helix.

1. A distal tip electrode adapted for implantation on or about the heart and for connection to a system for monitoring or stimulating cardiac activity, said electrode comprising:	Bisping shows in figure 1 the distal tip electrode of the cardiac lead at the distal end, 1, of electrode lead, 2.
an electrode tip;	Bisping shows in figure 1 the electrode tip, 3 (e.g. col. 3, line 54).
a mesh screen disposed at a distal end of the electrode tip;	Bisping does not show the mesh screen at a distal end of the electrode tip. Dutcher shows the mesh screen in figures 1-9, e.g. element 146 or 152.
a surface at the distal end of the electrode tip;	Bisping shows in figure 1 the surface at the distal end of electrode tip, 3
a helix disposed within said electrode, said helix adapted for travel along a radial axis of the electrode through said surface, the helix including non-soluble insulating material	Bisping shows in figure 1, the helix, 7, disposed within electrode, 3, that is adapted to travel along a radial axis of the electrode through said surface (e.g. col. 4, lines 1-32,

coated on at least a portion of its surface to conform to the outer surface of the helix, the insulating coating including an active ingredient;	figure 4). Bisping does not show the helix including non-soluble insulating material coated on at least a portion of its surface and the coating including an active ingredient. Dutcher shows in figure 5 a non-soluble insulating material coating on at least a portion of the helix's surface that conforms to the outer surface of the helix and contains an active ingredient (e.g. element 138, plastic plug with steroid drug, col. 4, lines 57-68). In the alternative, Dutcher also shows another insulating coating in figure 5, as element 133 that will also contain the active ingredient due to the migration of the drug from element 138 and contacting of element 138 to 133.
a guiding mechanism for directing movement of the fixation device during travel; and	Bisping shows the guiding mechanism as element 8 (e.g. col. 4, line 8).
a movement assembly, said movement assembly for providing movement to said fixation device.	Bisping describes the movement assembly as elements 12, 9, 5, and/or 3 (e.g. col. 3, line 55 to col. 4, line 32).

Claims 1-5, 7, 8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisping (4886074) in view of Rockland et al (4010758) and (Altman, 5551427, or Hoffman, 5902329).

Bisping discloses the claimed invention in figures 1-5 with electrode, 3, guiding mechanism, 8, movement assembly, 5, 9, and 3, with piston, 5, base, 3, knob, 9 or 12, slot, 10 or 11a, and helix, 7, except for the mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant. Rockland teaches that it is known to include on a lead having a fixation helix a mesh (e.g. 28, column 8) at the electrode end and a non-soluble coating on a portion of the exterior surface of the helix (e.g. silicone, figure 2b, 2c, col. 5) to allow heart tissue to securely and quickly fixate to the lead when implanted and allow the helix to provide a better electrical field and the system to use less power. Altman or Hoffman teaches that it is known to include in the insulation of a fixation device, the use of an active ingredient, such as an anti-imflammatant to reduce irritability and inflammation due to the fixation device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the heart lead as taught by Bisping, with a mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating as taught by Rockland, and with an active ingredient, such as an anti-inflammatant, as taught by Altman or Hoffman since it would provide a heart lead with a mesh screen disposed on the electrode tip to provide the predictable results of allowing fibrous connective tissue to intertwine with the screen to firmly secure the electrode and since it would provide a heart lead with a helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, to provide the predictable results of a

biocompatible coating that does not degrade/breakdown in the body, to allow the electrical properties (impedance, current density, etc) of the helix to be changed for more effective sensing and pacing and use less system power, the conforming coating to allow the fixation to still be inserted into the heart with out causing increased damage, and to include an active ingredient in the insulation to reduce irritability and inflammation due to the helix.

1. A distal tip electrode adapted for implantation on or about the heart and for connection to a system for monitoring or stimulating cardiac activity, said electrode comprising:	Bisping shows in figure 1 the distal tip electrode of the cardiac lead at the distal end, 1, of electrode lead, 2.
an electrode tip;	Bisping shows in figure 1 the electrode tip, 3 (e.g. col. 3, line 54).
a mesh screen disposed at a distal end of the electrode tip;	Bisping does not show the mesh screen at a distal end of the electrode tip. Rockland shows the use of a mesh screen on a helical lead in figure 1, element 28.
a surface at the distal end of the electrode tip;	Bisping shows in figure 1 the surface at the distal end of electrode tip, 3
a helix disposed within said electrode, said helix adapted for travel along a radial axis of the electrode through said surface, the helix including non-soluble insulating material	Bisping shows in figure 1, the helix, 7, disposed within electrode, 3, that is adapted to travel along a radial axis of the electrode through said surface (e.g. col. 4, lines 1-32,

coated on at least a portion of its surface to conform to the outer surface of the helix, the insulating coating including an active ingredient;	figure 4). Bisping does not show the helix including non-soluble insulating material coated on at least a portion of its surface and the coating including an active ingredient. Rockland shows in figure 2b and 2c the use of silicone on the helix (e.g. column 5, lines 20-35) to create a better electrical field. Altman discloses that insulation used on medical fixation leads should include an active ingredient, such as an anti-imflammatant (e.g. col. 14, lines 3-15, col. 14, line 44 to col. 15, line 12, claim 8 of Altman). In the alternative, Hoffman discloses that insulation used on medical fixation leads should include an active ingredient, such as an anti-imflammatant (e.g. col. 6, lines 40-45, col. 6, line 63 to col. 7, line 15).
a guiding mechanism for directing movement of the fixation device during travel; and	Bisping shows the guiding mechanism as element 8 (e.g. col. 4, line 8).
a movement assembly, said movement assembly for providing movement to said fixation device.	Bisping describes the movement assembly as elements 12, 9, 5, and/or 3 (e.g. col. 3, line 55 to col. 4, line 32).

Claims 1, 2, 3, 7, 8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grassi (4624265) in view of Dutcher et al (5217028).

Grassi discloses the claimed invention in figure 4 with electrode, 21, guiding mechanism, 20, movement assembly, 14 and 17, seal, 16, base, 17, and piston, 14 between seals 16, and helix, 15, except for the mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant. Dutcher teaches that it is known to include on a lead having a fixation helix a mesh (e.g. 146, col. 5) at the electrode end and a non-soluble coating containing a drug on a portion of the exterior surface of the lead (e.g. col. 2, lines 45-65, figure 5, 138, or 138 and 133) to allow heart tissue to securely fixate to the lead when implanted and allow the helix to elude drugs to prevent inflammation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the heart lead as taught by Grassi, with a mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, as taught by Dutcher since it would provide a heart lead with a mesh screen disposed on the electrode tip to provide the predictable results of allowing fibrous connective tissue to intertwine with the screen to firmly secure the electrode and since it would provide a heart lead with a helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, to provide the predictable results of a biocompatible coating that does not degrade/breakdown in the body, to allow the electrical properties (impedance, current density, etc) of the helix to be changed for more effective sensing and pacing, the conforming coating to allow the fixation to still be inserted into the heart with out

causing increased damage, and to include an active ingredient in the insulation to reduce irritability and inflammation due to the helix.

1. A distal tip electrode adapted for implantation on or about the heart and for connection to a system for monitoring or stimulating cardiac activity, said electrode comprising:	Grassi shows in figure 4 the distal tip electrode of the cardiac lead as the distal end of sheath, 6.
an electrode tip;	Grassi shows in figure 4 the electrode tip, 21 (e.g. col. 4, line 14).
a mesh screen disposed at a distal end of the electrode tip;	Grassi does not show the mesh screen at a distal end of the electrode tip. Dutcher shows the mesh screen in figures 1-9, e.g. element 146 or 152
a surface at the distal end of the electrode tip;	Grassi shows in figure 4 the surface at the distal end of electrode tip, 21
a helix disposed within said electrode, said helix adapted for travel along a radial axis of the electrode through said surface, the helix including non-soluble insulating material coated on at least a portion of its surface to conform to the outer surface of the helix, the	Grassi shows in figure 4, the helix, 15, disposed within electrode, 21, that is adapted to travel along a radial axis of the electrode through said surface (e.g. col. 4, lines 17-24, figures 1 and 4). Grassi does not show the helix including non-soluble insulating material

insulating coating including an active ingredient;	coated on at least a portion of its surface and the coating including an active ingredient. Dutcher shows in figure 5 a non-soluble insulating material coating on at least a portion of the helix's surface that conforms to the outer surface of the helix and contains an active ingredient (e.g. element 138, plastic plug with steroid drug, col. 4, lines 57-68). In the alternative, Dutcher also shows another insulating coating in figure 5, as element 133 that will also contain the active ingredient due to the migration of the drug from element 138 and contacting of element 138 to 133.
a guiding mechanism for directing movement of the fixation device during travel; and	Grassi shows the guiding mechanism as element 20 (e.g. figure 4, col. 4, line 2).
a movement assembly, said movement assembly for providing movement to said fixation device.	Grassi describes the movement assembly as elements 14 and 17 (e.g. figure 4, col. 3, line 63 to col. 4, line 24).

Claims 1, 2, 3, 7, 8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grassi (4624265) in view of Rockland et al (4010758) and (Altman, 5551427, or Hoffman, 5902329).

Grassi discloses the claimed invention in figure 4 with electrode, 21, guiding mechanism, 20, movement assembly, 14 and 17, seal, 16, base, 17, and piston, 14 between seals 16, and helix, 15, except for the mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant. Rockland teaches that it is known to include on a lead having a fixation helix a mesh (e.g. 28, column 8) at the electrode end and a non-soluble coating on a portion of the exterior surface of the helix (e.g. silicone, figure 2b, 2c, col. 5) to allow heart tissue to securely and quickly fixate to the lead when implanted and allow the helix to provide a better electrical field and the system to use less power. Altman or Hoffman teaches that it is known to include in the insulation of a fixation device, the use of an active ingredient, such as an anti-imflammatant to reduce irritability and inflammation due to the fixation device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the heart lead as taught by Grassi, with a mesh screen disposed on the electrode tip and the helix having a non-soluble insulating conforming coating as taught by Rockland, and with an active ingredient, such as an anti-inflammatant, as taught by Altman or Hoffman since it would provide a heart lead with a mesh screen disposed on the electrode tip to provide the predictable results of allowing fibrous connective tissue to intertwine with the screen to firmly secure the electrode and since it would provide a heart lead with a helix having a non-soluble insulating conforming coating with an active ingredient, such as an anti-inflammatant, to provide the predictable results of a

biocompatible coating that does not degrade/breakdown in the body, to allow the electrical properties (impedance, current density, etc) of the helix to be changed for more effective sensing and pacing and use less system power, the conforming coating to allow the fixation to still be inserted into the heart with out causing increased damage, and to include an active ingredient in the insulation to reduce irritability and inflammation due to the helix.

1. A distal tip electrode adapted for implantation on or about the heart and for connection to a system for monitoring or stimulating cardiac activity, said electrode comprising:	Grassi shows in figure 4 the distal tip electrode of the cardiac lead as the distal end of sheath, 6.
an electrode tip;	Grassi shows in figure 4 the electrode tip, 21 (e.g. col. 4, line 14).
a mesh screen disposed at a distal end of the electrode tip;	Grassi does not show the mesh screen at a distal end of the electrode tip. Rockland shows the use of a mesh screen on a helical lead in figure 1, element 28.
a surface at the distal end of the electrode tip;	Grassi shows in figure 4 the surface at the distal end of electrode tip, 21
a helix disposed within said electrode, said helix adapted for travel along a radial axis of the electrode through said surface, the helix including non-soluble insulating material	Grassi shows in figure 4, the helix, 15, disposed within electrode, 21, that is adapted to travel along a radial axis of the electrode through said surface (e.g. col. 4, lines 17-24,

coated on at least a portion of its surface to conform to the outer surface of the helix, the insulating coating including an active ingredient;	figures 1 and 4). Grassi does not show the helix including non-soluble insulating material coated on at least a portion of its surface and the coating including an active ingredient. Rockland shows in figure 2b and 2c the use of silicone on the helix (e.g. column 5, lines 20-35) to create a better electrical field. Altman discloses that insulation used on medical fixation leads should include an active ingredient, such as an anti-imflammatant (e.g. col. 14, lines 3-15, col. 14, line 44 to col. 15, line 12, claim 8 of Altman). In the alternative, Hoffman discloses that insulation used on medical fixation leads should include an active ingredient, such as an anti-imflammatant (e.g. col. 6, lines 40-45, col. 6, line 63 to col. 7, line 15).
a guiding mechanism for directing movement of the fixation device during travel; and	Grassi shows the guiding mechanism as element 20 (e.g. figure 4, col. 4, line 2).
a movement assembly, said movement assembly for providing movement to said fixation device.	Grassi describes the movement assembly as elements 14 and 17 (e.g. figure 4, col. 3, line 63 to col. 4, line 24).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over either modified Grassi rejected above in view of Bisping, Jammet (5447534), or Ocel et al (5837006).

Modified Grassi discloses the claimed invention except for the knob and slot mating with the knob to form a stop mechanism. Bisping, Jammet, or Ocel discloses the use of a knob and slot mating with the knob to form a stop mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the heart lead as taught by the modified Grassi, with a knob and slot mating with the knob to form a stop mechanism as taught by Bisping, Jammet, or Ocel since it was known in the art that heart leads use a knob and slot mating with the knob to form a stop mechanism to provide the predictable results of preventing the helix from being retracted further into the lead and causing damage to the lead.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either modified Bisping or either modified Grassi as applied to claim 1 above and further in view of Ocel (5837006) or Vachon (5531780). The modified Bisping or Grassi discloses the claimed invention with a traveling helix through a mesh screen except for the groove guide. Ocel or Vachon teaches that it is known to provide groove guides on the distal end of the housing to allow the helix to be easily extended and to guide the helix. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mesh and helical lead as taught by the modified Bisping or Grassi, with a groove guide as taught by Ocel or Vachon since it was known in the art that leads with traveling helixes use a groove guide to provide the predictable results of guiding the helix through the distal end of the lead body/mesh to smoothly guide the helix to exit and enter the lead body.

(10) Response to Argument

B. Discussion of the rejection of claims 1-5, 7, and 8 under 35 USC 103(a) as being unpatentable over Bisping in view of Dutcher.

The Appellant's arguments that Dutcher does not include the claimed "insulating material including an active ingredient" and that the drug plug of Dutcher does not meet the claimed limitation of being "coated on at least a portion of its surface to conform to the outer surface of the helix" are not persuasive. Dutcher discloses a plastic/polyurethane drug plug, 138 (e.g. col. 4, line 57), that coats/conforms to the helix (figure 5). Plastic/polyurethane is an insulating material and figure 5 clearly shows the drug plug covering/conforming/coating the helix. In the alternative, Dutcher also discloses the use of another insulation layer, 133 (e.g. col. 3, line 58), coating the helix that contacts drug plug, 138 (e.g. figure 5). The connection/contacting of insulation, 133, and drug plug, 138, provides the claimed insulation material "including" an active ingredient since "including" does not necessarily mean that the insulation material incorporates the active ingredient directly into the material, but just that the insulation has an active ingredient. Since the drug plug, 138, is located on the insulation, 133, and/or since the drug will migrate on the insulation, the insulation will "include" the active ingredient.

The Appellant similarly argues claims 16-19 of the 103 rejection of Bisping in view of Dutcher. The Examiner's arguments above similarly apply.

D. Discussion of the rejection of claims 1-5, 7, and 8 under 35 USC 103 as being unpatentable over Bisping in view of Rockland et al and (Altman or Hoffman).

The Appellant's argument that Altman discloses the use of his device for "effective elimination of an arrhythmogenic site" and therefore there is no reason or suggestion to combine

the references since they are used for generally different purposes is not persuasive. Altman is in the same field of endeavor as Bisping, i.e. fixation helixes for screwing into the heart. In addition, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Altman teaches that it is known to include an insulating coating including an active ingredient on a fixation helix to prevent inflammation due to the helix being screwed into heart tissue (e.g. claim 8 of Altman).

The Appellant's argument that Hoffman does not disclose an insulative coating for a helix is not persuasive. Hoffman teaches that it is known to include an insulation coating containing an active ingredient in the insulation to prevent inflammation and to provide this insulation coating on fixation leads. The Appellant's argument that Hoffman states that the pacing tip electrode should not be coated is not persuasive since the claim does not claim the helix is an electrode, and since the insulation on the helix does not make that part of the helix containing the insulation an electrode/electrical contact.

The Appellant similarly argues claims 16-19 of the 103 rejection of Bisping in view of Rockland and (Altman or Hoffman). The Examiner's arguments above similarly apply.

F. Discussion of the rejection of claims 1, 2, 3, 7, and 8 under 35 USC 103(a) as being unpatentable over Grassi in view of Dutcher.

The Appellant similarly argues claims 1, 2, 3, 7, 8 and 16-19 of the 103 rejection of Grassi in view of Dutcher. The Examiners arguments discussed above in section B similarly apply.

H. Discussion of the rejection of claims 1, 2, 3, 7, and 8 under 35 USC 103(a) as being unpatentable over Grassi in view of Rockland et al and (Altman or Hoffman).

The Appellant similarly argues claims 1, 2, 3, 7, 8 and 16-19 of the 103 rejection of Grassi in view of Rockland et al and (Altman or Hoffman). The Examiners arguments discussed above in section D similarly apply.

I, J, and K. Discussion of the rejections of claims 4, 5, 6, and 16-19 under 35 USC 103.

The Appellant's argues that the 103 rejections for claims 4, 5, 6, and 16-19 do not provide any reason or suggestion to combine the references and that the Office Action has provided insufficient motivation to modify the cited references. The Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Appellant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

In addition, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references/rejections cited above in section 9 clearly contain a reason to combine the references and provide a motivation to combine the references. The reason and motivation are listed as the last sentence of each rejection as "to provide the predictable results of…".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/George R Evanisko/

Primary Examiner, Art Unit 3762

Conferees:

/Angela D Sykes/

Supervisory Patent Examiner, Art Unit 3762

/Carl H. Layno/

Supervisory Patent Examiner, Art Unit 3766